IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 14371 of 2004

Between:

Syed Nawaz Ahmed @ Nawaz Ghalib, S/o. Late Syed Nisar Ahmed,
Global News Service (Urdu), Hyderabad. R/o. H.No. 5-6-768, Darus-salam Road,
Nampally, Hyderabad - 500 001 A.P.

..... PETITIONER

AND

1. Government of Andhra Pradesh, Represented by the Secretary

Minority Welfare & Wakf Department, Secretariat, Hyderabad.
2 Andhra Pradesh State Wakf Board, represented by the Chief

Executive Officer, Haj House, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ or direction holding the notification No. 32/LA/Hyd./2002 dated 10th August, 2004 issued by the Respondent No. 2 and published in Munsif Urdu for auction the 1000 Sq. Yards of land being a part of the wakf Institution namely Khabrastan (graveyard) & Dargah of Nama Bakhtawar situated at Makhta Mama Dil-Aram, Santoshnagar Colony, Hyderabad as illegal, without jurisdiction, politically motivated, null and void and also violative of Articles 21, 25 & 26 of the Constitution of India.

Counsel for the Petitioner:MR.MOHAMMAD ABDUL BASITH

Counsel for the Respondent No.1: None appeared

Counsel for the Respondent No.2: MR.A.M.QURESHI (SC FOR AP WAKF BOARD)

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition has been filed as Public Interest Litigation by a journalist questioning the action of the respondents in having notified 1000 sq. yards of open land proposed to be sold in the interest of the wakf institution. Our attention is drawn to earlier proceedings taken out with respect to the same property viz., W.P.No.13379 of 2003. The said writ petition was disposed of with the observation that respondents therein cannot dispose of wakf property except in accordance with law and the Wakf Board was directed to follow the procedure as laid down in Section 15(1) and (2) of the Wakf Act, 1995. C.C.No.659 of 2002 was also filed, which was disposed of.

In nutshell, notification dated 12-2-2004 was published in the Gazette on 26th February, 2004 notifying 1000 sq. yards of open land from out of 2000 sq. yards of open land for construction of a complex to fetch regular income to the wakf institution. Government had accorded necessary permission for sale of the land to the extent of 1000 sq. yards by way of public auction. Objections were invited stating that in case objections are not received, property will be sold. Admittedly, petitioner did not raise any objections pursuant to the notification issued by the Chief Executive Officer of the Wakf Board. Petitioner wants to establish, by production of record by respondents, that the property in question is a Dargah property and cannot be sold under Section 51 of the Wakf Act, 1995.

Petitioner, who claims himself to be a public spirited person and a journalist, has not chosen to file any objections. In this petition, filed as public interest litigation with vague allegations and also seeking to produce the record by the respondents stating that only when the record is produced by the respondents that he would be in a position to satisfy the court that this property cannot be sold, hardly any direction deserves to be issued. Respondent No.2 has issued proper notification after sanction was accorded by the State Government. In case petitioner had any grievance, he could have raised objections at the appropriate time. Therefore, action of the respondents cannot be faulted with. There is no merit in the petition, which is accordingly dismissed.

_____

DEVINDER GUPTA, CJ

30-8-2004

_____

C.V.RAMULU, J

Tvr

To

1. The Secretary, Government of Andhra Pradesh,

Minority Welfare & Wakf Department, Secretariat, Hyderabad.

2 The Chief Executive Officer, Andhra Pradesh State Wakf

Board, Haj House, Nampally, Hyderabad.

3 2 CD copies.